

INFORMATION AND INSTRUCTIONS FOR GRANTING AN EASEMENT ON A VLB TRACT

1. A grant of easement for right-of-way across land under Contract of Sale and Purchase with the Texas Veterans Land Board (TVLB) is not effective unless it is approved by the TVLB.
2. Duplicate original easement forms must be signed and notarized by the person(s) under contract with the Board.
3. Both originals, and an [easement processing fee](#), payable to the Texas Veterans Land Board, must be forwarded to:

TEXAS VETERANS LAND BOARD
1 Corporate Drive
Suite 360
Lake Zurich, IL 60047-8945

4. The person(s) under contract with the Board will be responsible for negotiating the price to be paid for the right-of-way. By signing the easement form, the contract holder has indicated that he or she is satisfied with the consideration. It is only after the contract holder has signed the easement that the Board will consider approving the easement.
5. The consideration for the easement **must** be recited accurately and truthfully. Statements such as "Ten Dollars and other good and valuable consideration" are not acceptable. **If the easement is to be donated, that fact must appear expressly in the easement instrument.**
6. The Board requires that **all** of the consideration be submitted to this office. Upon request, the Board will consider a refund to the person(s) under contract with the Board. The amount, which can be refunded, is determined by review in this office.
7. Occasionally, the Grantee will also pay for such items as damages to growing crops. Such a fact should be set forth in the easement instrument, and the amount to be paid should be specified. These payments may be made directly to the contract-holder(s).
8. If payment is due for injuries to or removal of **timber, a minimum of one-half of the amount must be submitted to the Board for credit to the principal balance of the account.**
9. There are four types of easements, which are processed by the Board. **The easement description(s) should not be part of the body of the document. It should be attached as an Exhibit(s) to the document. Said Exhibit(s) must be prepared by a Registered Professional Land Surveyor, with seal and original signature, and tie to at least one corner of the VLB tract.**

If the parties draft and use their own easement form, the person(s) under contract with the Board should be named as Grantor(s). The following provision must also appear in the body of the easement instrument(s):

"The land herein described is under Contract of Sale and Purchase to Grantor herein, who will receive a deed to said land when the Grantor is in full compliance with all of the terms of said contract. Grantor executes this instrument with the approval of the Texas Veterans Land Board, in accordance with the regulations of said Board, which approval is signified by the signature of its Chairman or Executive Secretary or other designated official, duly authorized thereunto."

A signature block must be provided at the conclusion of the instrument, as follows:

APPROVED THIS _____ DAY OF _____, 20____.

VETERANS LAND BOARD OF THE STATE OF TEXAS

BY:_____

PAUL E MOORE, EXECUTIVE SECRETARY

When field notes are needed, they must make reference to the Warranty Deed that conveyed the property to the Texas Veterans Land Board.

The four types of easements are as follows:

A. Utility easements for pipelines, telephone lines, electric lines, etc. The Board requires the use of its authorized form, with one exception: In granting a right-of-way easement for a water line, the FHA form may be used. **If the FHA form is used, the Board still requires a specific course and distances description.** In those instances where the easement is for the benefit of the TVLB account holder's tract only (the easement does not cross the TVLB tract to serve another tract), the normal requirement for a field note description of the utility easement is waived; however, a sketch is required. The sketch should show the boundaries of the tract and the proposed easement, including the easement's point of entry, its course, and its width and length.

B. Private right-of-way easements granted to other landowners. The Board does not require use of a specified form for granting easements of this type. A form that may be used as a guide is available from the Texas Veterans Land Board.

C. Right-of-way grants to the State of Texas or a specified county for roads, channels, etc. The forms authorized for use in granting such easements may be obtained from the State Highway Department or the Texas Veterans Land Board. These forms contain the requirements of the Board and need only to be properly filled in and executed.

D. Flowage easements granted in connection with dams and reservoir projects. The agency administering the project furnishes the forms. An Engineer Flood Data Sheet, together with an elevation contour map, attached to and made a part of the instrument will be accepted in lieu of a course and distance description. The specific acreage involved should be shown in detail.

10. If fee simple title is required, a severance of the area needed must be requested. ([See information on severances.](#)) The Board will convey title to the land to the account-holder(s), who then conveys title as needed.